



*Stephanie Rawlings-Blake
Mayor*

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

SUMMARY

April 1, 2010



*Thomas J. Stosur
Director*

3. CITY COUNCIL BILL #10-0441/SALE OF PROPERTY – BLOCK 7774A, LOT 009A

City Council Bill #10-0441 would authorize the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as Block 7774A, Lot 009A and no longer needed for public use; and provide for a special effective date.

The subject City-owned property is located in southwestern Baltimore City, in a light industrial area, near Interstate Highway 95 and adjacent to the Crossroad Industrial Park. Bond Associates, the adjacent property owner, is interested in acquiring the subject city-owned property in order to expand its 1220 Bernard Drive site. The business use of 1220 Bernard Drive is known as the Bond Distributing Company. The current use of the subject City-owned property is confined to rail transportation serving the industrial areas of southwestern Baltimore. There is a rail spur and siding which comes off this rail line that serves the Bond Distributing Company. This business along with others has taken the initiative to fund some of the maintenance and upkeep of the railway tracks themselves. As a result, the Bond Distributing Company has determined that its long-term interests would be better served by its taking ownership of the land, and thus fuller responsibility for the railroad track traversing the property known as Block 7774A, Lot 009A.

Therefore, it is staff's findings that the subject property is no longer needed by the City for a public purpose, and can be declared surplus and sold. However, as part of the disposition process, the City must factor in any and all railroad use agreements and/or easements by which this property may be encumbered.

The Morrell Park Community Association, the Wilhelm Park Community Association, adjacent property owners, Councilman Reisinger of the 10th District, Baltimore City Council, and the City of Baltimore Department of Real Estate were notified of this action.

Recommendation: Approval

4. CITY COUNCIL BILL #10-0447/ZONING – CONDITIONAL USE HOUSING FOR THE ELDERLY – 616, 618, 620, 622, 624, 626, 628, 630, AND 634 BAKER STREET

The applicant wishes to build a four-story apartment building, to be known as 620 Baker Street that will be designated for use as Elderly Housing. This use requires the conditional use approval of the Mayor and City Council through an Ordinance. This

building will have a maximum capacity of 55 residents. Variances are required for the number of parking spaces, the required lot area, and for a reduction of the rear yard setback. This project was reviewed by the SPRC on November 27, 2008, and the plans were finally approved on January 7, 2009. The elevations were reviewed by the staff architect as part of the Site Plan Review Committee review on November 27, 2008. Staff believes that the addresses noted in the bill reflect how the properties were arranged in the past. A more current block plat and the City's Real Property records indicate that a different arrangement now exists. For that reason, even though the properties will be consolidated, the property addresses should be corrected as a technical matter.

Recommendation: Amend and Approve, with the following amendment:

- That the addresses referenced in the bill should be amended to read: "616, 618, 620, 622, 624, 626, and 628 Baker Street, and 629, 631, and 633 Sanford Place."

5. STREET CLOSING/PORTIONS OF NEWGATE AVENUE

The Maryland Port Administration requested that a portion of Newgate Avenue (west of Vail Street) be closed in connection with its Seagirt Marine Terminal. In 1988 the City and the State entered into an agreement by which Newgate Avenue would be closed and conveyed to the State and used as part of the Seagirt Marine Terminal. The Seagirt Marine Terminal is 200 acres in size and contains a 66 acres intermodal container transfer facility.

The City would be able to close this portion of Newgate Avenue because the State agreed to construct a new connecting street. The new connecting street has been constructed, it is open and operating, and is known as New Vail Street. New Vail Street is State owned and maintained and can be used by the public. Thus, it is staff's findings that the aforementioned portion of Newgate Avenue is no longer needed for Baltimore City public purposes and can be closed, declared surplus right-of-way, and sold.

Staff notified: Canton Maritime Association, Southeast Community Development Corporation, Southeastern Improvement Association, and the City Council Representative of this Planning Commission action.

Recommendation: Approval, subject to comments from the Department of General Services.

6. STREET CLOSING/THREE TEN FOOT ALLEYS LOCATED ON THE SOUTH SIDE OF RIVERSIDE ROAD, WEST OF LEVIN ROAD AND BORDERING THE BALTIMORE CITY/COUNTY BOUNDARY LINE

The proposed alley closings are being requested in order for the proposed expansion. All three alleys are 10 feet wide and have a combined length of 639 feet 3 inches. The alleys are not improved. All properties adjacent to the alleys are owned by Riverside Properties, LLC except for 111 Riverside Road. A letter of consent has been acquired from Mr. Edward Bowen, owner of 111 Riverside Road.

This action is one of the required steps in the process of closing the alleys. It is staff's finding that these alleys are not needed to provide access to adjacent properties and that they can be closed, declared surplus right-of-way, and be disposed of.

In advance of today's hearing on this matter, staff mailed the Brooklyn and Curtis Bay Coalition, Brooklyn-Curtis Bay Ministerial Alliance, and the Southwestern District Police-Community Relations Council notification of this action.

Recommendation: Approval, subject to comments from the Department of General Services.

7. CITY COUNCIL BILL #10-0434/STORMWATER MANAGEMENT

This report is an addendum to the February 18th, and March 18, 2010, staff reports. This item was continued at the Planning Commission February 18th, and March 18, 2010, hearing. This report gives further background behind CCB #10-0434, and explains staff's recommendations.

In advance of today's hearing on this matter, staff mailed 90 letters to a diverse set of stakeholders, including community associations, environmental organizations and members of the development community.

RECOMMENDATION: Amend and Approve:

§21-1(cc) APPROVAL.

- (1) MEANS A DOCUMENTED ACTION BY AN APPROVING BODY THAT FOLLOWS A REVIEW AND DETERMINATION BY AN APPROVING BODY THAT THE MATERIAL SUBMITTED BY A DEVELOPER IS SUFFICIENT TO MEET THE REQUIREMENTS OF A SPECIFIED STAGE IN A LOCAL DEVELOPMENT REVIEW PROCESS.
- (2) DOES NOT INCLUDE AN ACKNOWLEDGEMENT BY AN APPROVING BODY THAT MATERIAL SUBMITTED BY A DEVELOPER HAS BEEN RECEIVED FOR REVIEW.

§21-1(dd) APPROVING BODY.

MEANS A COUNTY, MUNICIPALITY, OR OTHER UNIT OF GOVERNMENT THAT EXERCISES FINAL PROJECT APPROVAL OR PRELIMINARY PROJECT APPROVAL AUTHORITY.

§21-1(ee) FINAL PROJECT APPROVAL.

- (1) FINAL APPROVAL BY AN APPROVING BODY OF A STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN REQUIRED TO CONSTRUCT A DEVELOPMENT PROJECT'S STORMWATER MANAGEMENT FACILITIES; AND
- (2) BONDING OR OTHER FINANCING HAS BEEN SECURED BASED ON FINAL PLAN FOR THE DEVELOPMENT PROJECT IF REQUIRED AS A CONDITION OF APPROVAL.

§21-1(ff) PRELIMINARY PROJECT APPROVAL.

- (1) MEANS APPROVAL AS PART OF THE DEPARTMENT'S LOCAL PRELIMINARY DEVELOPMENT OR PLANNING REVIEW PROCESS THAT INCLUDES, AT A MINIMUM:
 - a. THE PROPOSED:
 - i. NUMBER OF DWELLING UNITS OR LOTS;
 - ii. PROJECT DENSITY; AND
 - iii. SIZE AND LOCATION OF ALL PLANNED USES OF THE DEVELOPMENT PROJECT;
 - b. PLANS THAT IDENTIFY:
 - i. PROPOSED SITE DRAINAGE PATTERNS;
 - ii. THE LOCATION OF ALL POINTS OF DISCHARGE FROM THE SITE
 - iii. THE TYPE LOCATION AND SIZE OF ALL STORMWATER MANAGEMENT MEASURES BASED ON SITE-SPECIFIC STORMWATER MANAGEMENT REQUIREMENT COMPUTATIONS; AND
 - c. ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT, INCLUDING, BUT NOT LIMITED TO:
 - i. THE PROPOSED ALIGNMENT, LOCATION, AND CONSTRUCTION TYPE AND STANDARD FOR ALL ROADS, ACCESS WAYS, AND AREAS OF VEHICULAR TRAFFIC;
 - ii. A DEMONSTRATION THAT THE METHODS FOR DELIVERING WATER AND WASTEWATER SERVICE TO THE DEVELOPMENT PROJECT ARE ADEQUATE; OR
 - iii. THE SIZE, TYPE AND GENERAL LOCATION OF ALL PROPOSED WASTEWATER AND WATER SYSTEM INFRASTRUCTURE.
- (2) CITY PLANNED UNIT DEVELOPMENTS (PUD'S) TYPICALLY DO NOT CONTAIN THE REQUIREMENT 4.III. ABOVE, BUT HAVE UNDERGONE AN EXTENSIVE PUBLIC REVIEW AND APPROVAL PROCESS, INCLUDING MULTIPLE PUBLIC HEARINGS AND CITY COUNCIL APPROVAL. FOR ALL PUDS THAT HAVE RECEIVED APPROVAL BY CITY COUNCIL, ON OR AFTER MAY 4, 2000 AND UP TO MAY 4, 2010, CAN BE CONSIDERED UNDER THE 2000 REGULATORY REQUIREMENTS. FOR PROJECTS TO BE CONSIDERED UNDER THIS PROVISION THEY ARE REQUIRED TO BE ACTIVE BASED ON:
 - a. FUNDING PRIOR TO MAY 4, 2010,
 - b. BUILDING PERMITS AND PRIOR DEVELOPMENT ACTIVITY.
 - c. CHANGES IN THE PUD THAT INCREASES IMPERVIOUSNESS WILL REQUIRE THAT INCREASED IMPERVIOUS SURFACE MEET THE CURRENT REGULATIONS.
- (3) FINAL APPROVAL BY AN APPROVING BODY OF A STORMWATER MANAGEMENT PLAN AND EROSION AND SEDIMENT CONTROL PLAN REQUIRED TO CONSTRUCT A DEVELOPMENT PROJECT'S STORMWATER MANAGEMENT FACILITIES; AND

- (4) BONDING OR OTHER FINANCING HAS BEEN SECURED BASED ON FINAL PLAN FOR THE DEVELOPMENT PROJECT IF REQUIRED AS A CONDITION OF APPROVAL.

Subtitle 23. Waivers

§23-7 Redevelopment.

(D) Applicable requirements – Alternatives

- (2) WHEN DETERMINING WHICH ALTERNATIVE MEASURES TO AUTHORIZE UNDER THIS SUBSECTION, THE DEPARTMENT:

(I) SHALL, AFTER IT HAS BEEN DETERMINED THAT ENVIRONMENTAL SITE DESIGN HAS BEEN IMPLEMENTED TO THE MAXIMUM EXTENT PRACTICABLE, CONSIDER THE ORDER OF PRIORITY OF THE ALTERNATIVE MEASURES IN PARAGRAPH (3) OF THIS SUBSECTION; AND

(II) MAY CONSIDER WHETHER:

1. THE REDEVELOPMENT PROJECT IS LOCATED IN AN AREA DESIGNATED AS:
 - A. A PRIORITY FUNDING AREA UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE;
 - B. A TRANSIT ORIENTED DEVELOPMENT AREA UNDER TITLE 7, SUBTITLE 1 OF THE TRANSPORTATION ARTICLE; OR
 - C. A BASE REALIGNMENT AND CLOSURE REVITALIZATION AND INCENTIVE ZONE UNDER TITLE 5, SUBTITLE 13 OF THE ECONOMIC DEVELOPMENT ARTICLE;
2. THE REDEVELOPMENT PROJECT IS NECESSARY TO ACCOMMODATE GROWTH CONSISTENT WITH THE COMPREHENSIVE PLAN FOR THE AREA WHERE THE DEVELOPMENT PROJECT WILL BE LOCATED; OR
3. BONDING AND FINANCING HAVE BEEN SECURED BASED ON AN APPROVAL OF A REDEVELOPMENT PLAN BY THE DEPARTMENT.

~~(2)~~(3)(X) A PARTIAL WAIVER OF THE TREATMENT REQUIREMENTS IF ENVIRONMENTAL SITE DESIGN IS NOT PRACTICABLE.

- (E) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A QUANTITATIVE CONTROL WAIVER MAY BE GRANTED TO A DEVELOPMENT PROJECT THAT IS LOCATED IN AN AREA WHERE A WATERSHED MANAGEMENT PLAN HAS NOT BEEN DEVELOPED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT IF:

- (1) THE DEVELOPMENT PROJECT DISCHARGES DIRECTLY INTO TIDALLY INFLUENCED RECEIVING WATERS; OR

- (2) THE DEVELOPMENT PROJECT IS AN INFILL DEVELOPMENT LOCATED IN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE WHERE:
 - (I) THE ECONOMIC FEASIBILITY OF THE PROJECT IS TIED TO THE PLANNED DENSITY OF THE DEVELOPMENT PROJECT;
 - (II) IMPLEMENTATION OF THE STORMWATER MANAGEMENT REGULATORY REQUIREMENTS ADOPTED BY THE DEPARTMENT IN 2009 WOULD RESULT IN A LOSS OF PLANNED DEVELOPMENT DENSITY; AND
 - (III) THE FOLLOWING CONDITIONS ARE MET:
 - 1. PUBLIC WATER, SEWER, AND STORMWATER CONVEYANCE EXISTS;
 - 2. THE QUANTITATIVE WAIVER IS APPLIED ONLY TO THE EXISTING IMPERVIOUS COVER ON THE SITE OF THE DEVELOPMENT PROJECT;
 - 3. ENVIRONMENTAL SITE DESIGN IS USED TO THE MAXIMUM EXTENT PRACTICABLE TO MEET THE FULL WATER QUALITY TREATMENT REQUIREMENTS OF THE ENTIRE DEVELOPMENT PROJECT; AND
 - 4. ENVIRONMENTAL SITE DESIGN IS USED TO THE MAXIMUM EXTENT PRACTICABLE TO PROVIDE FOR FULL QUANTITY CONTROL FOR ALL NEW IMPERVIOUS SURFACES.

(F) (1) A QUANTITATIVE AND QUALITATIVE CONTROL WAIVER MAY BE GRANTED FOR PHASED DEVELOPMENT PROJECTS IF, BY MAY 4, 2010, A STORMWATER SYSTEM HAS BEEN CONSTRUCTED THAT IS DESIGNED TO MEET:

- (I) THE REGULATORY REQUIREMENTS FOR STORMWATER ADOPTED BY THE DEPARTMENT IN 2000; AND
 - (II) THE LOCAL ORDINANCE REQUIREMENTS IN EFFECT FOR PHASED DEVELOPMENT AT THE TIME THE STORMWATER SYSTEM WAS CONSTRUCTED.
- (2) (I) THIS PARAGRAPH APPLIES TO A PHASED DEVELOPMENT PROJECT THAT HAS RECEIVED A WAIVER UNDER PARAGRAPH (1) OF THIS SUBSECTION.
- (II) IF THE REGULATORY REQUIREMENTS FOR STORMWATER ADOPTED BY THE DEPARTMENT IN 2009 CANNOT BE MET FOR FUTURE PHASES OF A PHASED DEVELOPMENT PROJECT THAT ARE CONSTRUCTED AFTER MAY 4, 2010, THE DEVELOPER SHALL DEMONSTRATE TO AN APPROVING BODY THAT ALL REASONABLE EFFORTS WERE MADE TO INCORPORATE ENVIRONMENTAL SITE DESIGN INTO THESE PHASES OF DEVELOPMENT.

(G) AN APPROVING BODY MAY GRANT AN ADMINISTRATIVE WAIVER TO A DEVELOPMENT PROJECT THAT RECEIVED PRELIMINARY PROJECT APPROVAL FROM THE APPROVING BODY ON OR BEFORE MAY 4, 2010.

(1) EXCEPT AS PROVIDED BY SUBSECTION (C) OF THIS SECTION, AN ADMINISTRATIVE WAIVER GRANTED UNDER SUBSECTION (A) OF THIS SECTION SHALL EXPIRE ON:

(I) MAY 4, 2013, IF THE DEVELOPMENT PROJECT DOES NOT RECEIVE FINAL PROJECT APPROVAL ON OR BEFORE THAT DATE; OR

(II) MAY 4, 2017, IF THE DEVELOPMENT PROJECT RECEIVES FINAL PROJECT APPROVAL ON OR BEFORE MAY 4, 2013.

(H) (1) AN APPROVING BODY MAY GRANT AN EXTENSION TO AN ADMINISTRATIVE WAIVER IF, BY MAY 4, 2010, A DEVELOPMENT PROJECT:

(I) HAS RECEIVED PRELIMINARY PROJECT APPROVAL; AND

(II) WAS SUBJECT TO:

1. A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT;

2. A TAX INCREMENT FINANCING APPROVAL; OR

3. AN ANNEXATION AGREEMENT.

(2) AN ADMINISTRATIVE WAIVER THAT IS EXTENDED UNDER THIS SUBSECTION EXPIRES WHEN AN AGREEMENT OR APPROVAL UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TERMINATES.

(I) CONSTRUCTION AUTHORIZED BY AN ADMINISTRATIVE WAIVER GRANTED UNDER THIS SECTION SHALL BE COMPLETED:

(1) ON OR BEFORE MAY 4, 2017; OR

(2) BY THE EXPIRATION DATE OF THE EXTENSION TO AN ADMINISTRATIVE WAIVER GRANTED UNDER SUBSECTION (C) OF THIS SECTION.

CONSENT AGENDA

8. REVISED FINAL SUBDIVISION AND DEVELOPMENT PLAN/418 GRUNDY STREET

On June 15, 2006, the Planning Commission approved the Final Subdivision Plan and Final Development Plan for 418 Grundy Street to subdivide the property for the development of nine three-story town homes, each with rear access to a single-car garage. The applicant has since revised the plans in order to make several minor adjustments to various property boundary lines to correct for initial surveying errors. The changes are minor, do not impact the overall development plan for the site, and are consistent with the Planning Commission's initial approval of this action.

Recommendation: Approval

9. REVISED PLAN FOR MULTIPLE STRUCTURES ON A LOT/POPPLETON COOPERATIVE

On April 3, 2008, the Planning Commission approved the Final Subdivision Plan and Final Development Plan for 851 Vine Street and 820, 860, 864, 876, and 884 West Fayette Street along with the request for multiple structures on a lot. The applicant has since revised the plans in order to make several minor adjustments, eliminating a portion of development and adding one pair of semi-detached dwellings. The changes are minor and do not negatively impact the overall development plan for the site. As such, the request is consistent with the previous action, and staff remains in full support.

Recommendation: Approval

10. REVISED FINAL SUBDIVISION AND DEVELOPMENT/4501 EDMONDSON AVENUE – WESTSIDE SKILL CENTER

On September 2, 2009, the Planning Commission approved the Final Subdivision and Development Plan for 4501 Edmondson Avenue to subdivide the property into two lots for disposition purposes. The applicant has since revised the date of signature. The change is minor, does not impact the overall development plan for the site, and is consistent with the Planning Commission's initial approval of this action.

Recommendation: Approval

11. STREET CLOSINGS/ PORTIONS OF ROCKFIELD AVENUE, TIPPETT AVENUE, AND SEVERAL UNNAMED ALLEYS

On January 19, 2010, the Planning Commission approved City Council Bill #09-0428, for the purpose of authorizing conditional use parking on the properties known as 5401 Tippet Avenue, 5451 Tippet Avenue, 4033 Lewiston Avenue, and portions of Rockfield and Tippet Avenues. The request was related to the proposal to redevelop the Hilltop Shopping Center on Reisterstown Road with a new Motor Vehicle Administration office, driver's test course, and ancillary parking. With the land use approvals in place, the developer now wishes to consolidate the properties and needs to close portions of Rockfield Avenue, Tippet Avenue, and several unnamed alleys. These street and alley closings, all appearing on Blocks 4511-D through 4511-G were anticipated at the time of the last Planning Commission approval and were depicted on the overall development plan for the site. As such, the request is consistent with the previous action, and staff remains in full support.

Recommendation: Approval